D.B. CIVIL WRIT PETITION NO.607/1993

Tota Ram
Vs.
The State of Rajasthan & Ors.

Date of Order :: 15 February, 2007

HON'BLE THE CHIEF JUSTICE SHRI S.N. JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri H.V. Nandwana, Dy.G.A. for the respondents.

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This writ petition was taken up for hearing on 2.2.2007. It was pointed out by the counsel for the petitioner Shri M.M. Mehrishi that the writ petition was filed drawing similarity with the writ petition filed on behalf of Shambhu Dayal Sharma Vs. State, D.B. Civil Writ Petition no.2544/1991 in which also vires of some of the provisions of the Rajasthan Police Subordinate Service Rules had been challenged which has been since disposed of as per report of the office, and in the circumstances, this writ petition may be disposed of in the same terms.

We sent for the file of D.B. Civil Writ Petition no.2544/1991; from perusal of which it transpired that the writ petition had been dismissed as infructuous without any adjudication on the point of vires of the relevant provisions of the Rajasthan Police Subordinate Service Rules after recording the statement of the counsel that the

petitioner had retired from service.

In that view of the matter, we wanted to hear the counsel, Shri M.M. Mehrishi. The case was called on successively on 12th, 13th and 14th February, 2007. We sent a word to him but still there is no appearance. Shri H.V. Nandwana, Deputy Government Advocate appearing for the respondents also stated that he had a word with Shri Nandwana. He pointed out that from the affidavit of the petitioner filed in 1993 he declared his age 46 years which means that he has already crossed the age of superannuation of 60 years. In the circumstances, the desired reliefs cannot be granted to him at this stage. The submission of counsel for the State appears to be well-founded.

This writ petition like the petition filed on behalf of Shambhu Dayal has become infructuous, and the same is accordingly dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Skant/-